

1 Sean A. Commons, SBN 217603
2 scommons@sidley.com
3 Sidley Austin LLP
4 555 West Fifth Street, Suite 4000
5 Los Angeles, California 90013
6 Telephone: (213) 896-6000
7 Facsimile: (213) 896-6600

8 Attorney for Defendant
9 Bank of America, N.A.

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13

14 SEAN L. GILBERT, on behalf of
15 himself and all persons similarly
16 situated,

17 Plaintiff,

18 v.

19 BANK OF AMERICA, N.A., et al.,

20 Defendants.
21
22
23
24
25
26
27
28

) Case No. 3:13-cv-01171-JSW

) Assigned to: Hon. Jeffrey S. White

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER CONTINUING DEADLINE**
) **TO RESPOND TO COMPLAINT**

Defendant Bank of America, N.A., through its counsel, Defendants Aaron Shoaf, Effective Marketing Solutions, LLC, MoneyMutual, LLC, London Bay Capital, LLC, Selling Source, LLC, Montel Williams, and Glenn McKay, through their counsel, and Plaintiff Sean L. Gilbert, through his counsel, hereby stipulate as follows:

WHEREAS:

A. Plaintiff intends to file a motion to remand this action to the Superior Court of the State of California, in and for the County of Alameda (hereafter, the “Alameda Superior Court”), for lack of subject matter jurisdiction;

B. Defendants presently intend to oppose that motion;

C. The current deadline for Defendants to respond to the Complaint by way of an answer, motion, or otherwise is April 30, 2013;

D. The parties agree that any responses by Defendants to the Complaint should be postponed until twenty (20) days after a ruling denying a motion to remand or, in the event this action is remanded, after re-docketing of the action in the Alameda Superior Court, subject to order of either this Court or the Alameda Superior Court;

E. Defendants enter into this stipulation without waiving any procedural or substantive defenses not previously waived, including (if applicable) their ability to challenge service of process and personal jurisdiction; and

F. Plaintiff enters into this stipulation while expressly reserving his right to oppose any motions filed by Defendants in response to the Complaint.

NOW, THEREFORE, IT IS HEREBY ACKNOWLEDGED, AGREED, AND STIPULATED by all parties that Defendants’ responses to the Complaint, by way of answer or otherwise, shall be postponed until twenty (20) days after a ruling denying a motion to remand or, in the event this action is remanded, after re-

1 docketing of the action in the Alameda Superior Court, subject to any further order of
2 either this Court or the Alameda Superior Court.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

DATED: April 24, 2013

By: /s/ Sean A. Commons

Sean A. Commons
scommons@sidley.com
SIDLEY AUSTIN LLP
555 West Fifth Street, Suite 4000
Los Angeles, California 90013
Telephone: (213) 896-6000
Facsimile: (213) 896-6600

Counsel for Defendant Bank of America, N.A.

DATED: April 24, 2013

By: /s/ Donald J. Putterman

Donald J. Putterman
dputterman@plglawyers.com
PUTTERMAN LOGAN & GILES, LLP
580 California Street, 16th Floor
San Francisco, CA 94104
Telephone: (415) 839-8779
Facsimile: (415) 376-0956

*Counsel for Defendants Aaron Shoaf; Effective
Marketing Solutions, LLC; MoneyMutual,
LLC; London Bay Capital, LLC; Selling
Source, LLC; Montel Williams; and Glenn
McKay*

DATED: April 24, 2013

By: /s/ Jeffrey Wilens

Jeffrey Wilens
jeff@lakeshorelaw.org
LAKESHORE LAW CENTER
18340 Yorba Linda Blvd., Suite 107-610
Yorba Linda, CA 92886
Telephone: 714-854-7205
Facsimile: 714-854-7206


Jeffrey P. Spencer

jps@spencerlaw.net
THE SPENCER LAW FIRM
903 Calle Amanecer, Suite 220
San Clemente, CA 92673
Telephone: 949-240-8595
Facsimile: 949-240-8515

Counsel for Plaintiff Sean L. Gilbert

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: April 24, 2013



Hon. Jeffrey S. White
United States District Judge

FILER'S ATTESTATION

Pursuant to L.R. 5-1(i)(3), I, Sean A. Commons, attest that Donald J. Putterman and Jeffrey Wilens provided their authority and concurrence to file the instant document and place their electronic signatures on the document set forth above.

By: /s/ Sean A. Commons